

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JAMES McDONALD,  
Plaintiff,**

**Vs.**

**Case #2:06-cv-284-MHT**

**RICHARD ALLEN, et al.,  
Defendants**

**SPECIAL REPORT OF SIDNEY WILLIAMS  
TO THE AMENDED COMPLAINT**

Comes now Sidney Williams, and shows unto the Court as follows:

**The Amended Complaint**

The Amended Complaint makes not new averments concerning Williams that are not already addressed in the original complaint. Williams adopts his arguments and affidavit previously submitted in his Answer and Special Report to the original complaint.

**Defendant's Position**

Williams is absolutely immune from suit in an action seeking monetary damages, arising from his decisions to vote to grant or deny parole. If the Amended Complaint is intended to state any other claim, Williams is entitled to qualified immunity, as no reasonable parole board member would be on notice that his actions were depriving the plaintiff of clearly established rights.

If the claim is predicated on any action other than the adjudicative act of deciding which prisoners should be released and which should not, the complaint fails to plead sufficient facts to give notice of such a claim. The amended complaint does not aver any facts supporting an inference that Williams has done anything that would harm the

Plaintiff; that Williams has done anything unlawful; or that Williams has any authority or control over the conditions of Plaintiff's confinement.

Williams has no knowledge of the facts regarding Plaintiff's claims regarding prison conditions. Williams has no legal authority to alter or to directly affect the conditions in any prison. Williams expressly denies having caused the alleged harms.

The affidavit of Sidney Williams was previously filed in his Special Report to the original complaint and is adopted by reference herein.

### **Conclusion**

The amended complaint fails to state a claim against Williams. Williams, alone, can not make decision for the Board. The Board of Pardons & Paroles has no authority to regulate or govern conditions in any prison. The Board's jurisdiction is circumscribed by statute. Although its discretion is very broad when it has jurisdiction, it does not have jurisdiction over every prisoner. If the Board had not shouldered a heavy burden, there would be far more inmates in prison. In each case, the Board is charged by law with the duty of weighing society's needs, and is authorized to release each prisoner only after determining that release of that particular prisoner is consistent with the welfare of society.

Williams respectfully moves this Court to dismiss him from this action.

Respectfully submitted,

TROY KING.  
ATTORNEY GENERAL  
KIN047

GREGORY O. GRIFFIN, SR.  
CHIEF COUNSEL  
GRI026

s/STEVEN M. SIRMON  
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**CERTIFICATE OF SERVICE**

I hereby certify that on 7-21-06, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: (None), and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants, individually:

**JAMES MCDONALD, #236354  
200 WALLACE DRIVE  
CLIO, AL 36017-2165**

Done this 21<sup>st</sup> day of July, 2006.

Respectfully submitted,

s/STEVEN M. SIRMON  
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